

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN FRUTOS, JR.,

Plaintiff,

No. CIV S-04-2361 ALA P

vs.

CALIFORNIA DEPARTMENT  
OF CORRECTIONS, et al.,

Defendants.

ORDER

Plaintiff Martin Frutos is a state prisoner proceeding *pro se* and *in forma pauperis* with a civil rights action pursuant to 42 U.S.C. § 1983. Mr. Frutos alleges that his constitutional rights have been violated because he was not allowed to receive a hardbound book he had purchased.

Before this Court is Mr. Frutos's request for appointment of counsel due to "exceptional circumstances." (Doc. 56). In his request, Mr. Frutos alleges that he does not have access to the law library, and that he has been "poisoned" and refused treatment which he believes will result in his "death" if not "immediately treated." (Doc. 56).

Upon review of the file and good cause appearing therefor, the court finds as follows:

Efforts to obtain legal representation without order of this court would be futile;

1. Plaintiff's income is 125 percent or less of the current poverty threshold established by the Office of Management and Budget of the United States and is otherwise

without resources to obtain counsel;

2. This case is of a type that attorneys in this district ordinarily do not accept without prepayment of a fee;

3. This case is not a fee generating case within the meaning of California Business and Professions Code § 8030.4(g); and

4. This case has sufficient merit to warrant appointment pursuant to General Order No. 230, “Adoption of Procedures for Establishment of a Section 1983 Panel.”

Accordingly, it is ORDERED that:

1. The court hereby appoints Marlon Alo of the Law Office of Marlon Alo, 3250 Wilshire Blvd., Suite 948, Los Angeles, California, 90010, to undertake representation of the plaintiff through pretrial proceedings and through trial;

2. Mr. Alo is directed to contact the Clerk's Office to make arrangements for copies of the file;

3. Mr. Alo shall submit all deposition transcript costs for payment pursuant to § 8030.6 of the California Business and Professions Code. All other contemplated costs shall be handled as described in General Order No. 230; and

4. A status conference is set for this matter on March 18, 2008, at 9:30 a.m. via teleconference. A separate minute order will issue addressing the teleconference.

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DATED: March 4, 2008

/s/ Arthur L. Alarcón  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation